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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/909,445
Filing Date: July 19, 2001
Appellant(s): COOK, FRED S.

OCT 15 2007

GROUP 3600

Kyle J. Way
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 05, 1007 appealing from the
Office action mailed March 26, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,915,214

REECE ET AL

6-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 2, 4-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (1) REECE et al (US Patent 5,915,214).

As of 8/24/06, claim 1 is as followed:

1. (Currently Amended) A method for providing communication services, the method comprising:

(a) at a retail business, providing a wireless transceiver device to a customer of the retail business, wherein the wireless transceiver device is configured to receive at least one of a plurality of different communication services and provide the at least one of the plurality of different communication services to the customer of the retail business;

(b) receiving in at least one location of the retail business, the plurality of different communication services from a network system;

c) in response to providing the wireless transceiver device to the customer of the retail business, receiving in the at least one location of the retail business a request from the wireless transceiver device for the at least one of the plurality of different communication services; and

(d) at the at least one location of the retail business, processing the request for the at least one of the plurality of different communication services; and

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(e) in response to processing the request, providing the at least one of the plurality of different communication services from the at least one location of the retail business to the wireless transceiver device over a wireless network.

Note: letters (a)-(e) are added to the beginning of each step for convenience.

Similarly, **REECE et al** discloses a method for providing communication services, {see abstract, Fig. 1} comprising of:

(a) at a location, i.e. location of a retail business, providing a wireless transceiver device to a customer of the retail business, wherein the wireless transceiver device is configured to receive at least one of a plurality of different communication services and provide the at least one of the plurality of different communication services to the customer of the retail business;

{see Fig. 1, central Processing Facility (CPF) 10, 11, 14, 16, 18, 19, col. 3, lines 25-30, col. 5, lines 48-52 "... CPF 10 may also be composed of a multitude of smaller distributed facilities forming a network instead of a single central facility...", col. 6, line 65 to col. 7, line 10, and especially Fig. 7:

"... SERVICES:

1. VOICE MAIL
2. E-MAIL
3. PAGES
4. FAXES... {"}

(b) receiving in at least one location of the retail business, the plurality of different communication services from a network system;

{see Fig. 1, col. 6, line 65 to col. 7, line 10 and Fig. 7 with the different services as shown above}

(c.) in response to providing the wireless transceiver device to the customer of the retail business, receiving in the at least one location of the retail business a request from the wireless transceiver device for the at least one of the plurality of different communication services; and

{see col. 3, lines 25-40, especially col. 7, lines 10-15:

"...being triggered by a request for service from a mobile communication device 14..", note that the "mobile communication device 14" is used or carried by the user and that the user is requesting a service using the device}

(d) at the at least one location of the retail business, processing the request for the at least one of the plurality of different communication services; and

{see Fig. 1, CPF 10, 11, 13, 15, 17, 18, 19, especially, col. 4, lines 28-47:

(23) According to another aspect, the present invention provides a method for enabling a user of wireless communication services to switch among various available service providers, comprising the steps of transmitting to a user's mobile communication device real time cost and service feature information for a plurality of available service providers for a region in which the user is currently located, thereby allowing the user to select a service provider to provide communication services to the user based on the transmitted information, transmitting user status and identification information on specific users to service providers in response to requests transmitted by the service providers, determining if users identified in the requests are presently engaged in a two-way wireless communication, instructing a requesting service provider to allocate a communication channel for a specific user determined to be presently engaged in a two-way wireless communication, and transferring the two-way wireless communication to the requesting service provider and disconnecting the two-way wireless communication from a previous service provider in response to a ready signal received from the requesting service provider.

(e) in response to processing the request, providing the at least one of the plurality of different communication services from the at least one location of the retail business to the wireless transceiver device over a wireless network.

{see col. 4, lines 13-15, col. 4, lines 28-47 again:

(23) According to another aspect, the present invention provides a method for enabling a user of wireless communication services to switch among various available service providers, comprising the steps of transmitting to a user's mobile communication device real time cost and service feature information for a plurality of available service providers for a region in which the user is currently located, thereby allowing the user to select a service provider to provide communication services to the user based on the transmitted information, transmitting user status and identification information on specific users to service providers in response to requests transmitted by the service providers, determining if users identified in the requests are presently engaged in a two-way wireless communication, instructing a requesting service provider to allocate a communication channel for a specific user determined to be presently engaged in a two-way wireless communication, and transferring the two-way wireless communication to the requesting service provider and disconnecting the two-way wireless communication from a previous service provider in response to a ready signal received from the requesting service provider.

And/or col. 6, lines 35-45, col. 7, lines 10-20}.

Note on col. 5, lines 27-52, REECE et al discloses that the facility CPF 10 is a facility that provides data processing equipment, telephone equipment, microwave communication equipment, etc., and may also be composed of a multitude of smaller distributed facilities forming a network instead of a single central facility, which reads over "retail business". Alternatively, the selection of other term to indicate a business facility for transacting business with service provider and customer, i.e. store, retailer, central facility, etc., would have been obvious to a skilled artisan, marketer or business person, as mere selection of other similar or equivalent terms for the same function.

As for dep. claim 2 (part of 1 above), which deals with providing services between the service provider and the retailer (CPF 10) and from the retailer to the customer, these are taught in Fig. 1.

As for dep. claim 4 (part of 1 above), which deals with providing services from the network to the retail business or CPF 10, this is taught in Fig. 1.

As for dep. claims 5-7 (part of 1 above), which deals with well known business practice for conducting any business, i.e. providing a contract (or agreement) between two parties for using the service, this is taught in col. 5, lines 35-42. Alternatively, it would have been obvious to a skilled artisan to modify the teachings of REECE et al by including well known business practices of "providing a contract" between business services between partners to insure clear communication and compliance of the contract between two parties.

As for dep. claims 8-11 (part of 1 above), which deals with the type of communication services, i.e. video on demand, data exchange, voice, etc., these are taught on Fig. 7, col. 13, lines 45-52. Alternatively, the leasing/using of any other well known business devices or services for business travelers or meetings would have been obvious as mere applying the same idea/concept to other similar items/services to achieve similar results, absent evidence of unexpected results.

(10) Response to Argument

Applicant's comments on pages 7-8 that REECE et al fails to teach the steps (c), (d) and (e) indicated above. These are not found to be persuasive in view of the

rejections and citations above which the examiner recopying them here for convenience.

(c.) in response to providing the wireless transceiver device to the customer of the retail business, receiving in the at least one location of the retail business a request from the wireless transceiver device for the at least one of the plurality of different communication services; and

{see col. 3, lines 25-40, especially col. 7, lines 10-15:

"...*being triggered by a request for service from a mobile communication device*
14..", }

(d) at the at least one location of the retail business, processing the request for the at least one of the plurality of different communication services; and

{see Fig. 1, CPF 10, 11, 13, 15, 17, 18, 19, especially, col. 4, lines 28-47:

(23) According to another aspect, the present invention provides a method for enabling a user of wireless communication services to switch among various available service providers, comprising the steps of transmitting to a user's mobile communication device real time cost and service feature information for a plurality of available service providers for a region in which the user is currently located, thereby allowing the user to select a service provider to provide communication services to the user based on the transmitted information, transmitting user status and identification information on specific users to service providers in response to requests transmitted by the service providers, determining if users identified in the requests are presently engaged in a two-way wireless communication, instructing a requesting service provider to allocate a communication channel for a specific user determined to be presently engaged in a two-way wireless communication, and transferring the two-way wireless communication to the requesting service provider and disconnecting the two-way wireless communication from a previous service provider in response to a ready signal received from the requesting service provider.

(e) in response to processing the request, providing the at least one of the plurality of different communication services from the at least one location of the retail business to the wireless transceiver device over a wireless network.

{see col. 4, lines 13-15, col. 4, lines 28-47 again:

(23) According to another aspect, the present invention provides a method for enabling a user of wireless communication services to switch among various available service providers, comprising the steps of transmitting to a user's mobile communication device real time cost and service feature information for a plurality of available service providers for a region in which the user is currently located, thereby allowing the user to select a service provider to provide communication services to the user based on the transmitted information, transmitting user status and identification information on specific users to service providers in response to requests transmitted by the service providers, determining if users identified in the requests are presently engaged in a two-way wireless communication, instructing a requesting service provider to allocate a communication channel for a specific user determined to be presently engaged in a two-way wireless communication, and transferring the two-way wireless communication to the requesting service provider and disconnecting the two-way wireless communication from a previous service provider in response to a ready signal received from the requesting service provider.

And/or col. 6, lines 35-45, col. 7, lines 10-20}.

Note: that the citations of the reference, REECE et al, used by the applicant's are noted, however, there are other parts of the REECE et al that teaches the steps of the claimed invention as cited above since there are several teaching embodiments in REECE et al.

Applicant's last comment on page 8, that REECE et al does not teach or suggest of "providing a wireless transceiver device to a customer of the retail business" in step (a) of claim 1 is not found to be persuasive in view of the rejection of step (a) above and the comments followed step (e) claim 1 with the alternative rejection. They are cited again here for convenience:

“(a) at a location, i.e. location of a retail business, providing a wireless transceiver device to a customer of the retail business, wherein the wireless transceiver device is configured to receive at least one of a plurality of different communication services and provide the at least one of the plurality of different communication services to the customer of the retail business;

{see Fig. 1, central Processing Facility (CPF) 10, 11, 14, 16, 18, 19, col. 3, lines 25-30, col. 5, lines 48-52 “...*CPF 10 may also be composed of a multitude of smaller distributed facilities forming a network instead of a single central facility...*”, col. 6, line 65 to col. 7, line 10, and especially Fig. 7:

“... *SERVICES:*

1. *VOICE MAIL*
2. *E-MAIL*
3. *PAGES*
4. *FAXES...*”}

Note on col. 5, lines 27-52, REECE et al discloses that the facility CPF 10 is a facility that provides data processing equipment, telephone equipment, microwave communication equipment, etc., and may also be composed of a multitude of smaller distributed facilities forming a network instead of a single central facility, which reads over “retail business”. Alternatively, the selection of other term to indicate a business facility for transacting business with service provider and customer, i.e. store, retailer, central facility, etc., would have been obvious to a skilled artisan, marketer or business person, as mere selection of other similar or equivalent terms for the same function.”

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dean Tan Nguyen, Primary Examiner



Conferees on meeting 9/21/07:

1) John Weiss, SPE

x 

2) Janice Mooneyham, Primary Examiner

